

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SALVATORE DiNAPOLI, MICHELLE NEESE,
and CHRISTOPHER FLYNN,

Plaintiffs,

v.

INTERNATIONAL ALLIANCE OF :
THEATRICAL STAGE EMPLOYEES LOCAL 8, :
et al., :

Defendants.

CIVIL ACTION

No. 09-5924

ORDER

AND NOW, this 19th day of May, 2010, upon consideration of Defendants The Walnut Street Theatre, Roy Backes, and Bernard Havard's (collectively, the "Theatre Defendants") Motion to Dismiss (Doc. No. 22) and Defendants International Alliance of Theatrical Stage Employees Local 8, Michael Barnes, Francis O'Shea's ("O'Shea") (collectively, the "Union Defendants") Motion for Judgment on the Pleadings (Doc. No. 25), and the Responses and Replies thereto, it is hereby **ORDERED** as follows:

- (1) the Theatre Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**;
- (2) the Union Defendants' Motion for Judgment on the Pleadings is **GRANTED**; and

(3) Counts III, IV, V, VI and VII are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE